Attorney Docket No.: 056222-5009
Application No.: Unassigned

REMARKS

Applicants respectfully submit that no prohibited new matter has been introduced by this Preliminary Amendment and that amended claims 4,5, 8-11, 13-15 and 17 are drawn to the same invention as the corresponding claims of International Application PCT/GB00/02962. The changes to the claims represent changes in formalities so as to bring the claims into compliance with the rules of practice in the United States, by avoiding improper multiple dependencies and eliminating multiple dependencies to reduce costs.

Respectfully Submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: Elizabeth C. Weimar
Elizabeth C. Weimar
Reg. No. 44,478

Date: January 29, 2002

CUSTOMER NO. 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 739-3000 (Telephone)
(202) 739-3001 (Fax)

Attorney Docket No. 056222-5009

MARKED-UP VERSION TO SHOW CHANGES IN CLAIMS

4. **(Amended)** A complex according ~~[to any one of claims 1, 2 or 3]~~ **claim 1,** comprising a functional double stranded T3, T7 or SP6 RNA polymerase promoter.

5. **(Amended)** A complex according to ~~[any of the preceding claims]~~ **claim 1**, comprising single or double stranded sequence adjacent to the promoter which increases the activity of the promoter.

8. **(Amended)** A complex according to **claim 1**[~~any one of the preceding claims~~], comprising a sequence which, when transcribed into RNA, facilitates isolation, identification, detection, quantification or amplification of the transcript.

9. **(Amended)** A complex according to [~~any one of the preceding claims~~]**claim 1**, wherein one of said probes comprises a destablizing moiety.

10. **(Amended)** A complex according to ~~[any one of the preceding claims]~~ **claim 1**, wherein the second and third probes form a discontinuous sequence of an RNA polymerase promoter template strand.

11. **(Amended)** A complex according to ~~[any one of claims 1-9]~~ **claim 1**, wherein the second and third probes form a discontinuous sequence of an RNA polymerase promoter non-template strand.

13. **(Amended)** A method according to claim 12, performance of which results in the formation of a complex in accordance with ~~[any one of claims 1-11]~~ **claim 1**.

14. **(Amended)** A method according to claim 12 ~~[or 13]~~, wherein RNA produced from the functional RNA promoter is amplified prior to detection.

15. **(Amended)** A method according to ~~[any one of claims]~~ **claim** 12, ~~[13 or 14,]~~ wherein RNA produced from the functional RNA promoter is detected directly or indirectly via a method which involves use of a molecular beacon or fluorophore.

17. **(Amended)** A method of detecting in a sample the presence of a nucleic acid target sequence~~[; the method]~~, comprising the steps of :

contacting a first **probe** and **a** second probe ~~[as defined above,]~~ with the sample~~[,]~~ so as to form the complex of claim 16~~[; and]~~, **wherein the first probe comprises in the 5' to 3' direction, a template portion transcribable by an RNA polymerase, a template strand of an RNA polymerase promoter, and a target complimentary portion which is hybridised to at least a 3' end region of the target sequence, and the second probe comprises part of the non-template strand complimentary to the template strand of the promoter present in the first probe;**

and, detecting directly or indirectly RNA transcripts of the template portion of the first probe.